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OFFICE OF PETITIONS

In re Patent No. 6,295,599
Issue Date: September 25, 2001
Application No. 09/382,402
Filed: August 24, 1999
Attorney Docket No. 43876-111

ON PETITION

This is a decision on the petition filed January 23, 2006, to accept and record payment of a maintenance fee filed prior to expiration of patent, which is treated under 37 CFR 1.377.

The petition is **GRANTED**.

The patent issued September 25, 2001. Accordingly, the first maintenance fee due could have been paid during the period from September 25, 2004 through March 25, 2005 or with a surcharge during the period from March 26, 2005 through September 25, 2005. This petition was held expired September 26, 2005 for failure to timely pay the first maintenance fee on or September 25, 2005.

Petitioner contends that a maintenance fee transmittal and fees in the amount of \$900 was remitted to the US Patent and Trademark Office on February 22, 2005 and provides a copy of a postcard receipt date stamped February 22, 2005 by the USPTO and a copy of the maintenance fee transmittal as proof of payment of the maintenance fee. The transmittal authorized the Office to charge counsel's deposit account no. 50-0417, in the amount of \$900 for the first maintenance fee. The office records don't show that the transmittal was ever received or that petitioner's deposit account was ever charged.

Based on the evidence present in the record, it is concluded that the first maintenance fee payment for the present patent was timely proffered but was not matched with the file for the instant patent. The first maintenance fee has now been accepted as having been timely received on February 22, 2005 and is being charged to deposit account no. 50-0417.

In view of the above, the maintenance fee having been timely paid prior to expiration of the patent, the petition is granted. No petition fee is due and none has been charged.

Accordingly, the maintenance fee in this case is hereby accepted and the above-identified patent is hereby reinstated as of the mail date of this decision.

Telephone inquiries specific to this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions